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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,187	04/12/2001	Abang Abdullah B. Abang Ali	S1436/7001	2651

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EXAMINER

MCDERMOTT, KEVIN

ART UNIT

PAPER NUMBER

3635

DATE MAILED: 04/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,187

Applicant(s)

ABANG ALI ET AL.

Examiner

Kevin McDermott

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-12,15-20 and 25-28 is/are rejected.
- 7) ☒ Claim(s) 3,13,14,21-24,29 and 30 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

The drawings are objected to because:

All of the figure labels must be corrected because Applicant has more figure labels than figures. For example, sheet 1 of the drawings has a figure 1, a figure 1a, a figure 1b, and a figure 1c – but only 3 figures. Another example is on sheet 2 of the drawings. Sheet 2 of the drawings has a figure 2, a figure 2a, a figure 2b, and a figure 2c – but only 3 figures. This same pattern continues on each drawing sheet. Please correctly label all of the figures and coordinate the changes with the specification.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haener (U.S. Patent No. 4,640,071) in view of Mullins.

Regarding claims 1 and 2, Haener discloses in column 2, lines 30-42, blocks that are designed to interlock at their opposite ends by means of tongues and grooves, or the like, to form courses. The courses may be disposed on one another without the use

of mortar, with the blocks in one course staggered with respect to those of the adjacent courses. The upper portions of the webs in a given course are positioned to point contact the underside of the webs of the course next above to interlock the blocks and courses together. The cells thereof are in staggered array and exhibit angled walls and a greater surfaces area for joinder to concrete when the latter is poured into vertically connected cells to strengthen the thus formed wall.

More specifically, Haener discloses block 20 in figures 1 and 2. Block 20 is the claimed stretcher block. Haener discloses block 20' in figures 3 and 4. Block 20' is the claimed corner block. Haener discloses block 20a in figures 9 and 10. Block 20a is the claimed half block.

Regarding the stretcher block, Haener discloses in figures 1 and 2 and in column 3, lines 38-64, a block 20 comprised of a spaced, parallel pair of vertical sidewalls 22, 24 interconnected by integral vertical webs 26, perpendicular to sidewalls 22, 24 and disposed in a predetermined arrangement in block 20. Preferably, each of the sidewalls 22, 24 have flat parallel or tapered opposite faces 34, 36, flat bottoms 38 and flat tops 40. Opposite ends 28, 30 of walls 22, 24 are provided with interlocking means in the form of tongues 32 and grooves 33 for joining blocks 20 lengthwise in a course during laying up of a wall. Webs 26 and sidewalls 22, 24 divide block 20 into cells 42, 44, 46, 48, 50 spaced along the length of block 20 and open at the bottom and top thereof. Webs 26 extend above the top surface of block 20. Figures 1 and 2 show webs 26 spaced from the second end (the right end) of block 20. A first web 26 is spaced from the right end and the second, third and fourth webs 26 are all also spaced from the right

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end of block 20. More specifically, a web 26 is spaced from the first end and a web 26 is also located so that it is spaced from a second end of the block 20.

Regarding the corner block, Haener discloses in figures 3 and 4 and column 4, lines 57-68, a block 20' whose components are similar to those of block 20. The reference numbers are the same but they have a prime sign. Column 4, lines 57-60 disclose the block 20' being a corner form of the same embodiment as that of figures 1 and 2. Consequently, the length of block 20' is the same as block 20. Block 20' comprises spaced, upright, parallel sidewalls 22', 24' having flat top and bottom surfaces and interlocking means 32', 33'. End wall 80 is the claimed first transverse end wall extending between the sidewalls 22', 24' at a first end of the block 20' and is also spaced from the second end of block 20'. Web 26' is the claimed second transverse end wall extending between the sidewalls 22', 24' spaced from the second end of the block 20'. The pair of spaced vertical supports 82, 84 are integrally connected to sidewalls 22', 24', respectively, and are disposed in space 86 between wall 80 and web 26'. The vertical supports 82, 84 are the claimed protrusions on the inside of the sidewalls 22', 24' and extend from a base substantially co-planar with the sidewall bottom surfaces and have a tip extending above the sidewall top surfaces configured to interlock with a block in a next succeeding course.

Regarding the half block, Haener discloses in figures 9 and 10 and in column 5, lines 47-66, block 20a that is substantially identical to block 20, except it contains only two webs 26a, rather than four webs 26. A first web 26a is located at one end of the block and a second web 26a is spaced from the other end of the block. The first and

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second webs 26a are the claimed first and second end walls, respectively. Additionally, block 20a is comprised of two sidewalls 22, 24 comparable to block 20, and two transverse end walls/webs 26a spaced from a second end of the block 20. Each of the sidewalls comprises interlocking means on the ends – this includes interlocking means on one end. Additionally, figure 9 of Haener discloses the block 20a being half as long as block 20.

However, Haener does not disclose the half block length being up to half the length of the stretcher and corner blocks.

Mullins discloses in figures 1-10 and in column 5, line 40 to column 8, line 15, a system of blocks comprising a full block 10, half block 10b, and one-quarter block 10c. The half block 10b is formed to be one half the length of the full block 10.

Therefore, it would be obvious to one of ordinary skill in the art at the time the invention was made to make the block 20a of Haener half the length of block 20.

One of ordinary skill would be motivated to make such a modification to facilitate the framing of wall openings, terminating walls, construction of block pillars and the like, and for aesthetic reasons, as discussed in Mullins, column 7, lines 38-43.

Regarding claim 4 and the half block 20a, Haener's disclosure is discussed above. However, Haener (U.S. Patent No. 4,640,071) does not disclose the block 20a having a protrusion on the inside of the sidewalls, extending from a base substantially co-planar with the sidewalls bottom surface and having a tip extending above the sidewall top surfaces configured to interlock with a block in the next succeeding course.

As discussed above, Haener also discloses block 20'. Block 20' comprises a pair of spaced vertical supports 82, 84 that are integrally connected to sidewalls 22', 24', respectively, and are disposed in space 86 between wall 80 and web 26'. The vertical supports 82, 84 are the claimed protrusions on the inside of the sidewalls 22', 24' and extend from a base substantially co-planar with the sidewall bottom surfaces and have a tip extending above the sidewall top surfaces configured to interlock with a block in a next succeeding course.

Therefore, Examiner considers it obvious to one of ordinary skill in the art at the time the invention was made to modify the block 20a to comprise vertical supports 82, 84 on the inside of the sidewalls 22, 24 and extend from a base substantially co-planar with the sidewall bottom surfaces and have a tip extending above the sidewall top surfaces configured to interlock with a block in a next succeeding course.

One of ordinary skill would be motivated to make such a modification to prevent lateral displacement of the respective blocks 20, 20', and 20".

Regarding claims 5 and 11, the tongues 32/32' and grooves 33/33' comprise male and female interlocking means, respectively.

Regarding claims 6 and 12, the tongue 32 and groove 33 interlocking means of the block 20 of Haener inherently provides self-alignment features to the block system.

Regarding claims 7, 17, and 25, column 4, lines 47-50 disclose disposing reinforcing cement in the cells 42, 44, 46, 48, and 50. Cement is stability and stiffening means. This teaching applies to the cells of each embodiment.

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Regarding claims 8, 18, and 26, the blocks 20/20' of Haener are capable of being used in the same way as standard construction blocks and the claimed blocks – such as for the construction of structures containing door and window openings.

Regarding claims 9, 19, and 27, the lintels are not positively claimed. The blocks 20/20' of Haener are capable of being used in the same way as standard construction blocks and the claimed blocks – such as to house lintels without requiring the use of form work.

Regarding claims 10, 20, and 28, load and non-load bearing walls are not positively claimed. The blocks 20/20' of Haener are capable of being used in the same way as standard construction blocks and the claimed blocks – such as to provide for the construction of load and non-load bearing walls.

Regarding claim 15, the tongues 32 and grooves 33 comprise male and female interlocking means, respectively.

Regarding claim 16, because the claimed combination is obvious as explained above, the combination discloses the structural limitations of the claimed block, namely the tongue 32 and groove 33 interlocking means. This interlocking means provides self-alignment features to the block system.

Response to Arguments

Applicant's arguments filed February 4, 2004 have been fully considered but they are not persuasive.

Applicant argues that the ratio of the size of the block 20a to the size of block 20 is irrelevant to the invention because block 20a is not used with block 20 to form a wall.

Examiner disagrees.

Haener does not disclose that block 20a cannot be used with block 20 and it appears to be the applicant's opinion.

Applicant also argues that because a short block 20" is shown in figure 5 to be used with block 20 at the terminal end of a wall assembly, this obviates the need for a version of block 20a which has a defined ratio of length relative to block 20. Again this appears to be the Applicant's opinion.

Finally, Applicant argues that even if combined, the references do not disclose every element of the claimed invention. Specifically, Applicant argues that the block 20a embodiment, regardless of length, is not used in a wall assembly with block 20 and block 20', because they are not shown together in the figures. Examiner disagrees.

Because the blocks are not shown being used together in the figures, does not mean that they are not or cannot be used together.

Allowable Subject Matter

Claims 3, 13, 14, 21-24, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Kevin McDermott, whose telephone number is 703-308-8266.

KM

KM 4/9/04



Carl D. Friedman
Supervisory Patent Examiner
Group 3600